

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABDULRAHMAN ALHARBI,

Plaintiff,

– v. –

GLENN BECK; THE BLAZE, INC.;
MERCURY RADIO ARTS, INC.; AND
PREMIERE RADIO NETWORKS, INC.,

Defendants.

CIVIL ACTION NO.
1:14-cv-11550-PBS

JOINT MOTION TO AMEND SCHEDULING ORDER

Pursuant to Local Rule 16.1(g), Plaintiff Abdulrahman Alharbi (“Plaintiff”) and Defendants Glenn Beck, TheBlaze, Inc. (erroneously sued herein as “The Blaze, Inc.”), Mercury Radio Arts, Inc., and PremiereNetworks, Inc. f/k/a Premiere Radio Networks, Inc. (collectively, “Defendants”) (Plaintiff and Defendants together, the “Parties”) jointly seek to amend all deadlines in the scheduling order by six months so that the Parties may have additional time to complete discovery. As described in more detail below, due to the unique documents and information subject to fact discovery in this case, the Parties cannot complete fact discovery by September 30, 2015. Accordingly, the Parties respectfully request a six-month extension of the fact discovery deadline and corresponding pre-trial deadlines. No request to extend the dates set forth in the scheduling order has previously been made, and the Parties’ request does not change the trial date, which has not been set.

In further support of their Joint Motion, the Parties state as follows:

1. On January 13, 2015, the Court entered a Schedule Order setting forth the following deadlines:

EVENT	DEADLINE
Completion of Discovery	September 30, 2015
Summary Judgment Motions	October 30, 2015
Oppositions to Summary Judgment Motions	November 21, 2015
Hearing on Summary Judgment Motions	December 9, 2015

2. Since the January 2015 Scheduling Conference, the Parties have served and responded to written discovery requests, and have engaged in multiple meet and confer conferences. Certain documents have been produced, but the collection, review, and production of additional documents is ongoing.

3. Beyond the discovery conducted among the Parties, since February 2015, Defendants have served 29 document subpoenas on third parties. Defendants served ten subpoenas on various federal executive agencies,¹ eight subpoenas on congressional committees,² three subpoenas on Massachusetts law enforcement agencies,³ seven subpoenas on educational institutions Plaintiff attended and/or to which Plaintiff applied,⁴ and one subpoena on an entity which assisted Plaintiff in applying to schools in the United States.⁵

¹ Defendants subpoenaed the following federal executive agencies: U.S. Customs and Border Protection (“CBP”), the Federal Bureau of Investigation (“FBI”), Immigration and Customs Enforcement (“ICE”), the Central Intelligence Agency (“CIA”), the Department of Homeland Security (“DHS”), the Department of Justice (“DOJ”), the Department of State (“State Department”), the National Security Agency (“NSA”), the Office of the Director of National Intelligence (“ODNI”), and the White House.

² Defendants subpoenaed the following congressional committees and subcommittees: The United States House of Representatives Committee on Homeland Security, The United States House of Representatives House Judiciary Committee, The United States House of Representatives Subcommittee on Counterterrorism and Intelligence, The United States House of Representatives Subcommittee on Oversight and Management Efficiency, The United States House of Representatives Subcommittee on Emergency Preparedness, Response, and Communications, The United States House of Representatives Subcommittee on Transportation Security, The United States House of Representatives Subcommittee on Cybersecurity, Infrastructure, Protection, and Security Technologies, and The United States House of Representatives Subcommittee on Border and Maritime Security.

³ Defendants subpoenaed the following Massachusetts law enforcement agencies: the Massachusetts State Police, the Boston Police Department, and the Commonwealth Fusion Center.

⁴ Defendants subpoenaed the following educational institutions: Wentworth Institute of Technology, Northeastern University, the University of Findlay, New England School of English, Suffolk University, and EC Boston Language Center, Inc.

4. Not surprisingly, the non-party discovery conducted by Defendants in this case has been time-consuming, despite Defendants' best efforts to obtain the requested records as expeditiously as possible. To take one example, Defendants have delivered *nine* letters totaling *35 pages*, sent countless e-mails, and engaged in multiple meet and confer telephone calls in connection with their efforts to obtain responsive information from the ten federal executive agencies they subpoenaed in March 2015. In early May 2015, Defendants even offered to travel to Washington, D.C. to meet with counsel for the agencies to address their concerns regarding the subpoenas (the agencies declined Defendants' offer for an in-person meeting). In furtherance of their efforts to obtain relevant documents from the federal executive agencies, Defendants are preparing a motion to compel production, which will be filed during the week of September 7 as a miscellaneous action in the United States District Court for the District of Columbia.

5. This Joint Motion is the Parties' first request for an extension of the Scheduling Order.

6. Given the unique documents and information subject to fact discovery in this case – including information highly relevant to the Parties' claims and defenses that are in the possession of federal executive agencies such as the FBI, DOJ, and DHS – the Parties' agree that it is in their joint interest to amend the scheduling order by six months. Accordingly, the Parties respectfully request a modification of the Court's Scheduling Order as follows:

EVENT	OLD DEADLINE	NEW DEADLINE
Completion of Discovery	September 30, 2015	March 31, 2016
Summary Judgment Motions	October 30, 2015	April 30, 2016
Oppositions to Summary Judgment Motions	November 21, 2015	May 23, 2016
Hearing on Summary Judgment Motions	December 9, 2015	On or after June 15, 2016 at the convenience of the Court

⁵ Defendants subpoenaed My Future USA.

WHEREFORE, Plaintiff Abdulrahman Alharbi and Defendants Glenn Beck, TheBlaze, Inc., Mercury Radio Arts, Inc., and Premiere Networks, Inc. jointly request that the Court amend all deadlines in the Scheduling Order by six months as indicated by the dates above.

Respectfully submitted,

Counsel for Plaintiff,

Counsel for Defendants,

/s/ Peter J. Haley

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Dated: September 8, 2015

LOCAL RULE 7.1 CERTIFICATION

The Parties are filing this Motion jointly.

/s/ Zachary C. Kleinsasser

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing on September 8, 2015.

/s/ Zachary C. Kleinsasser